

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

v.

JOSE E. MAYORAL

Case Number 00-CR-00004 (HL)

**MOTION IN OPOSITION TO “MOTION REQUESTING A
SUMMONS FOR REVOCATION OF PROBATION”**

TO THE HONORABLE COURT:

Comes now, José E. Mayoral, represented by the undersigned attorney and respectfully states, alleges and prays as follows:

1. On November 8, 2006, U.S. Probation Officer, Víctor M. Canino filed a document in this case with the title of “Motion Requesting a Summons for revocation of Probation”.

2. Mr. Canino alleges on page two (2) of the said document, that Mr. Mayoral “fail by omission to provide information required to determine his financial position”, and that he “furnished false documents under the penalty of perjury and making false staments”. This is not true.

3. Mr. Mayoral provided Mr. Canino with the documents he required on August 2, 2005. It is not until November 8, 2006 that Mr. Canino raises this matter to the Honorable Court, just two days before the termination of Mr. Mayoral’s 5 year term of probation.

4. Mr. Mayoral has complied with the restitution order in this case in terms of the monthly payments ordered by the Honorable Court.

5. Since 2003, the undersigned attorney, representing Mr. Mayoral, has made attempts to negotiate with Amvest Corporation (Amvest) the restitution in this case. The undersigned

attorney telephoned officers of Amvest in 2003, and wrote Amvest to that effect since March 2004.

6. Since then, Mr. Mayoral has tried, first directly with Amvest and latter with Amvest's attorneys in Puerto Rico, to negotiate the restitution.

7. On November 2, 2006, Mr. Mayoral and Amvest, through their respective attorneys, reached an agreement as to the restitution. On the next day, November 3, 2006, the undersigned attorney sent a Memorandum of Understanding to Amvest's attorney, José González Irizarry. Exhibit A. Mr. Canino was informed of the said agreement by the undersigned counsel on that same date.

8. Amvest's attorney, William Power, also notified Mr. Canino, first by telephone, and latter through e-mail, of the said agreement, on the 6 and 7 of November, 2006 respectively. Exhibit B.

9. It is clear from the former, that at the time the "Motion requesting Summons" was filed, Mr. Canino was aware that an agreement had been reached between Mr. Mayoral and Amvest.

10. The said settlement agreement has been formally executed by Mr. Mayoral, his wife, Lisa Penfield and Amvest Corporation. Exhibit C.

11. Taking in consideration the former, we respectfully pray to this Honorable Court for the closing and/or dismissal of the captioned matter, as well as the termination of Mayoral's probation period, as a definite settlement has been reached regarding Mayoral's obligations under the restitution order.

WHEREFORE, defendant respectfully requests this Honorable Court that the closing and/or dismissal of the captioned matter as well as the termination of Mayoral's probation period.

In San Juan, Puerto Rico, this 15th day of November, 2006.

Respectfully submitted

s/ **Marco Antonio Rigau**
MARCO ANTONIO RIGAU
USDCPR NO 109-209
PO Box 363967
San Juan PR 00936-3967
Tel. 787-753-6455
Cel. 787-565-0242
Fax 787-755-5515
marcoantoniorigau@yahoo.com
rigau1@yahoo.com

I hereby certify that on November 15, 2006, I electronically filed the foregoing motion with the Clerk of the Court using the EM/ECF system which will send notification of such filing all attorneys of record.